

TOWN OF ACTON SPECIAL TOWN MEETING APRIL 11, 2000

AT 7:00 P.M. IN THE ACTON-BOXBOROUGH HIGH SCHOOL AUDITORIUM

Registered Voter in attendance 307

The Moderator, Donald MacKenzie called the meeting to order at 7:05PM.

Mr. MacKenzie introduced F. Dore Hunter, Chairman of the Board of Selectmen. Mr. Hunter introduced Pamela Harting-Barrat, the newly elected member of the Board and the other members of the Board of Selectmen.

Mr. MacKenzie introduced the Town Manager, Town Clerk, Town Council, and John Prendiville, Chairman of the Finance Committee. Mr. Prendiville introduced the members of the Finance Committee.

Mr. MacKenzie explained that the Special Town Meeting was called because a citizen petition with the required two hundred signatures of registered voters was submitted to the Board of Selectmen.

The Moderator reads article one

ARTICLE 1# - 80,000 SQ. FT. ZONING (2/3 Vote Required) **Submitted by Citizen Petition**

To see if the Town will vote to amend the zoning bylaw in accordance with the Citizens Petition printed in Appendix A attached hereto and identified as Citizens Petition #1.

Petition #1

We, the citizens of Acton, demand that the town leaders bring the attached article for two acre zoning to the town meeting for a vote (for/against). In the case that the town's vote is against this article as written, a subsequent vote will be held at the same town meeting. The second vote will be held for an amended version of the attached. The second vote will be for/against the modification of the R-2 provision of the Zoning Bylaw Section 5 from 20,000 sq. ft. (half acre zoning) to 40,000 sq. ft. (one acre zoning). Because this petition has not been reviewed by Town Counsel, we demand that this vote not be stopped because of a technicality in the language or presentation.

ARTICLE 1 Minimum Lot Area in R-2 & R-4 Districts (2/3 vote required)

To see if the Town of Acton will vote to amend the zoning bylaw as follows:

A. Zoning bylaw, section 5 - TABLE OF STANDARD DIMENSIONAL REGULATIONS. Amend the column entitled "MINIMUM LOT AREA in sq. ft." to read 80,000 in the R-2 and R-4 districts:

ZONING DISTRICTS	MINIMUM LOT AREA in sq. ft.
R-2	80,000 <i>[20,000]</i>
R-4	80,000 <i>[40,000]</i>

[Note: For informational purposes, the present minimum lot area requirements are shown in italic print with brackets.]

B. Zoning bylaw, section 5.3.4, Hammerhead Lots. Delete sections 5.3.4.2 and 5.3.4.3 and replace them with:

5.3.4.2 The minimum LOT area shall be 200,000 square feet in the in the R-2, R-4, R-8/4, R-8, R-10 and R-10/8 Districts; and

5.3.4.3 The LOT shall contain a dwelling location square with a minimum side of 200 feet in the R-2, R-4, R-8/4, R-8, R10 and R-10/8 Districts. The dwelling shall be located within the dwelling location square; and

[Note - Sections currently read:

5.3.4.2 *The minimum LOT area shall be 80,000 square feet in the R-2 District, 120,000 square feet in the R-4 District, and 200,000 square feet in the R-8/4, R-8, R-10/8 and R-10 Districts; and*

5.3.4.3 *The LOT shall contain a dwelling location square with a minimum side of 150 feet in the R-2 District, 175 feet in the R-4 District, and 200 feet in the R-8/4, R-8, R-10/8 and R-10 Districts. The dwelling shall be located within the dwelling location square; and]*

Or take any other action relative thereto.

MOTION:

Ms. Friedrichs moves that the Town amend the Zoning By-law as set forth in sections A & B of the draft zoning article attached to the petition.

MOTION LOST

MOTION TO AMEND:

Ms. Friedrichs moves to amend the motion under article 1 by adding a new Section 8.9 to the Zoning Bylaw.

Section 8.9: A single or a two-family residence located on a lot which complied with the minimum lot area requirements applicable on March 3, 2000 may be altered, added to, or expanded in floor area despite the increase in lot area requirements adopted on April 11, 2000, provided such alteration, addition, or expansion complies with any applicable yard set back requirements in effect on such date, but no such lot shall be further divided unless all lots resulting from such division comply with the minimum lot area requirements adopted April 11, 2000.

MOTION TO AMEND IS LOST

VOTE 118 YES 78 NO 40

MOTION:

Mr. Cady moves to lay Article #1 on the table.

MOTION TO LAY ON THE TABLE CARRIES
VOTE 278 YES 198 NO 80

MOTION:

Mr. Cady moves to take no action on Article # 2.

MOTION IS LOST
(VOICE VOTE)

ARTICLE 2# WETLANDS AND FLOOD PLAIN EXCLUSION

(2/3 Vote Required)

Submitted by Citizen Petition

To see if the Town will vote to amend the zoning bylaw in accordance with the Citizens Petition printed in Appendix A attached hereto and identified as Citizens Petition #2.

Petition # 2

We, the citizens of Acton, demand that the town leaders bring the attached article which "provides that no areas within wetlands and flood plains can be counted towards the minimum lot area, minimum frontage, and minimum lot width," to the town meeting for a vote (for/against). This article is the same article originally brought forth in the draft "Proposed Zoning Articles" (dated January 30, 1999), presented at the Public Hearing on January 24, 2000.

Because this petition has not been reviewed by town counsel, we demand that this vote not be stopped because of a technicality in the language or presentation.

Appendix A

ZONING ARTICLE 14 CHANGES TO LOT AREA, FRONTAGE, AND LOT WIDTH IN RESIDENTIAL DISTRICTS (2/3 vote required)

To see if the Town of Acton will vote to amend section 5 of the zoning bylaw as follows:

A. Delete section 5.2.1 and replace it with a new section 5.2.1 as follows:

5.2.1 LOT area - LOT area shall be determined by calculating the area within a LOT including any area within the LOT over which easements have been granted, provided that no area within a STREET shall be included in determining minimum LOT area, and provided further that in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 districts no area within a Flood Plain District, or wetland as determined under the Massachusetts Wetlands Protection Act shall be included in determining minimum LOT area. *[Note - this section presently reads: 5.2.1 LOT area - LOT area shall be determined by calculating the area within a LOT including any area within the LOT over which easements have been granted, provided that no area within a STREET shall be included in determining minimum LOT area.]*

B. Delete section 5.2.2 and replace it with a new section 5.2.2 as follows:

5.2.2 FRONTAGE - FRONTAGE shall be measured in a continuous line along the sideline of a STREET between the points of intersection of the side LOT lines with the STREET, provided that in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 districts no portion of a STREET sideline that is located within a Flood Plain District, or wetland as determined under the Massachusetts Wetlands Protection Act shall be included in determining minimum FRONTAGE. [Note - this section presently reads: 5.2.2 FRONTAGE - FRONTAGE shall be measured in a continuous line along the sideline of a STREET between the points of intersection of the side LOT lines with the STREET.]

C. Delete section 5.2.3 and replace it with a new section 5.2.3 as follows:

5.2.3 LOT Width - LOT width shall be determined by measuring the diameter of the largest circle which can be located along a continuous, but not necessarily straight line from the LOT FRONTAGE to the principal STRUCTURE on the LOT without the circumference intersecting the side LOT lines, provided that in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 districts the minimum LOT width shall not include any portions on the LOT that are located within the Flood Plain District or within wetlands as determined under the Massachusetts Wetlands Protection Act. [Note - this section presently reads:
5.2.3 LOT Width - LOT width shall be determined by measuring the diameter of the largest circle which can be located along a continuous, but not necessarily straight line from the LOT FRONTAGE to the principal STRUCTURE on the LOT without the circumference intersecting the side LOT lines.]

Or take any other action relative thereto.

ZONING ARTICLE 14 - Lot Area Frontage, and Lot Width, 12/30/99 Draft

MOTION:

Ms. Friedrichs moves that the Town amend the Zoning By-law as set forth in sections A, B, and C of the draft zoning article attached to the Petition.

MOTION:

Mr. Cady moves to take no action.

MOTION TO TAKE NO ACTION LOST
(VOICE VOTE)

The voice vote to take no action is challenged. The Moderator calls for a teller count.

MOTION TO TAKE NO ACTION CARRIES
VOTE 267 YES 139 NO 128

MOTION:

Mrs. Shaher moves to reconsider Article # 2.
(2/3 vote required)

MOTION TO RECONSIDER IS LOST
VOTE 286 YES 161 NO 125

MOTION;

Mrs. Donald moves to reconsider Article # 1.
(2/3 vote required)

**MOTION TO RECONSIDER IS LOST
(VOICE VOTE)**

**ARTICLE 3# - SEPTIC SYSTEM LIMITATIONS
(2/3 Vote Required)
Submitted by Citizen Petition**

To see if the Town will vote to amend the zoning bylaw in accordance with the Citizens Petition printed in Appendix A attached hereto and identified as Citizens Petition #3.

Petition # 3

We, the citizens of Acton, demand that the town leaders bring the following to the town meeting for a vote (for/against):

A vote to enact the draft provisions of Article 12 "Housing Density by Capacity for Individual Septic Systems" of the "Proposed Zoning Articles" (dated December 30, 1999), presented at the public Hearing on January 24, 2000, that prohibits builders from "taking advantage of the one or few suitable sites for leaching fields that serve more than one dwelling unit," with one modification to that article. The modification will be that there will be no exemptions for PCRC, or any other type of development.

Because this petition has not been reviewed by town counsel, we demand that this vote not be stopped because of a technicality in the language or presentation.

PLEASE NOTE

The petitioner has notified the Board of Selectmen that Article 3 was submitted to the Town Clerk with an incorrect attachment. The Selectmen are required to print a Citizens' Petition Article exactly as submitted, and have done so.

However, in order to aid voters in understanding the petitioner's request, we have included "the draft provisions of Article 12, Housing Density by Capacity for individual Septic Systems " (as referenced in the petition) as Appendix B at the back of this Warrant.

Appendix B

ZONING ARTICLE 12 HOUSING DENSITY BY CAPACITY FOR INDIVIDUAL SEPTIC SYSTEMS (2/3 vote required)

To see if the Town of Acton will vote to amend the zoning bylaw by adding a new section 5.3.13 as follows:

5.3.13 Septic System Capacity Determination - This section 5.3.13 shall only apply in the R-2, R-4, R-8/4, R-8, R-10, and R-10/8 Districts. Notwithstanding the minimum LOT area requirements set forth in the Table of Standard Dimensional Regulations, no land shall be divided into LOTS, unless the Board of Health or its authorized agent has certified in writing that every LOT shown on the plan has the capacity to support an individual septic system to serve a DWELLING UNIT or other principal STRUCTURE on the same LOT.

5.3.13.1 Requirements for Individual Septic Systems:

- a) The individual septic system location and the location of the DWELLING UNIT or other principal STRUCTURE that it serves shall be on the same LOT.

- b) The minimum width of the LOT over the linear distance between the DWELLING UNIT location or other principal STRUCTURE and the individual septic system location shall not be less than 100 feet. This minimum width shall be determined by measuring the diameter of the largest circle which can be located along a continuous, but not necessarily straight line from the location of the DWELLING UNIT or other principal STRUCTURE to the septic system location without the circumference intersecting the side LOT lines or any portions on the LOT that are located within the Flood Plain District or within wetlands as determined under the Massachusetts Wetlands Protection Act.
- c) Unless exempt hereunder, every plan that is subject to this section 5.3.13 shall bear a note stating that no LOT shall be further divided to create additional BUILDING LOTS.

5.3.13.2 Exemptions:

- a) This section 5.3.13 shall not apply to lots shown on plans approved under section 4.2 - Open Space Development (OSD) or section 9 - Planned Conservation Residential Community (PCRC).
- b) This section 5.3.13 shall not apply to a plan where every LOT shown on the plan will be serviced by a public sewer collection system or a private wastewater treatment facility or system that achieves a nitrates concentration of 10ppm or less in the treated effluent.

5.3.13.3 Implementation:

- a) Every LOT exempt under 5.3.13.2.b) shall be subject to a recorded restriction that shall require compliance at all times with the advanced treatment standard of 10ppm or less nitrates in the wastewater effluent, or connection to a public sewer system. Such restriction shall be recorded for every lot shown on the plan before the issuance of a building permit for any LOT on the plan.
- b) Nothing herein shall be interpreted to require the actual use of individual septic systems. Common septic systems without advanced treatment may be used to service the LOTS shown on a plan, provided that the number of LOTS on the plan is not greater than the number of LOTS that can be served by individual septic systems.

Or take any other action relative thereto.

ZONING ARTICLE 12 - Housing Density by Capacity for ind. Septic Systems, 12/30/99 Draft

MOTION:

Ms. Friedrichs moves that the Town amend the Zoning By-Law as set forth in Sections A,B, and C of the draft zoning article in Appendix B of the warrant, except that Sections 5.3.13.2 and 5.3.13.3a shall be deleted.

MOTION:

Mr. Wood moves to take no action.

MOTION IS LOST

ORIGINAL MOTION IS LOST

ARTICLE 4# - HARD LIMIT ON NEW BUILDING PERMITS

(2/3 Vote Required)

Submitted by Citizens' Petition

To see if the Town will vote to amend the zoning bylaw in accordance with the Citizens Petition printed in Appendix A attached hereto and identified as Citizens Petition #4.

Petition # 4

We, the citizens of Acton,, demand that the town leaders bring the following to the town meeting for a vote (for/against):

A vote to enact a hard limit for the number of new building permits issued each year (a "not to exceed" limit), which does not include state mandated exemptions such as affordable housing and senior housing. The number that shall be voted on first is a hard limit of 40, which is about one half of the ten year average for new homes built in Acton.

If this vote does not pass at this next special town meeting, we demand that the town leaders hold additional votes at the same meeting for a hard limit of 50, 60, and so forth, until a hard limit number is found acceptable to the town.

Because this petition has not been reviewed by town counsel, we demand that this vote not be stopped because of a technicality in the language or presentation.

Appendix A

ZONING ARTICLE 14 CHANGES TO LOT AREA, FRONTAGE, AND LOT WIDTH IN RESIDENTIAL DISTRICTS (2/3 vote required)

To see if the Town of Acton will vote to amend section 5 of the zoning bylaw as follows:

D. Delete section 5.2.1 and replace it with a new section 5.2.1 as follows:

5.2.4 LOT area - LOT area shall be determined by calculating the area within a LOT including any area within the LOT over which easements have been granted, provided that no area within a STREET shall be included in determining minimum LOT area, and provided further that in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 districts no area within a Flood Plain District, or wetland as determined under the Massachusetts Wetlands Protection Act shall be included in determining minimum LOT area. *[Note - this section presently reads: 5.2.1 LOT area - LOT area shall be determined by calculating the area within a LOT including any area within the LOT over which easements have been granted, provided that no area within a STREET shall be included in determining minimum LOT area.]*

E. Delete section 5.2.2 and replace it with a new section 5.2.2 as follows:

5.2.5 FRONTAGE - FRONTAGE shall be measured in a continuous line along the sideline of a STREET between the points of intersection of the side LOT lines with the STREET, provided that in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 districts no portion of a STREET sideline that is located within a Flood Plain District, or wetland as determined under the Massachusetts Wetlands Protection Act shall be included in determining minimum FRONTAGE. *[Note - this section presently reads: 5.2.2 FRONTAGE - FRONTAGE shall be measured in a continuous line along the sideline of a STREET between the points of intersection of the side LOT lines with the STREET.]*

F. Delete section 5.2.3 and replace it with a new section 5.2.3 as follows:

- 5.2.6 LOT Width - LOT width shall be determined by measuring the diameter of the largest circle which can be located along a continuous, but not necessarily straight line from the LOT FRONTAGE to the principal STRUCTURE on the LOT without the circumference intersecting the side LOT lines, provided that in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 districts the minimum LOT width shall not include any portions on the LOT that are located within the Flood Plain District or within wetlands as determined under the Massachusetts Wetlands Protection Act. [Note - this section presently reads:
5.2.3 LOT Width - LOT width shall be determined by measuring the diameter of the largest circle which can be located along a continuous, but not necessarily straight line from the LOT FRONTAGE to the principal STRUCTURE on the LOT without the circumference intersecting the side LOT lines.]

Or take any other action relative thereto.

ZONING ARTICLE 14 - Lot Area Frontage, and Lot Width, 12/30/99 Draft

MOTION:

Ms. Friedrichs moves to take no action.

MOTION CARRIES

RESOLUTION:

Ms. Friedrichs moves to adopt the following resolution.

That the Town vote to instruct the Planning Board to revise Articles presented here and propose their preferred version of these zoning tools as Warrant Articles at a subsequent Town Meeting.

RESOLUTION CARRIES

Mr. Hunter moves to dissolve the Special Town Meeting at 10:37PM

MOTION CARRIES

Tellers

William Cady

Charles Kadiec

Peter Robinson

Isabella Choate

Edward Ellis

Connie Huber

Marjorie Brown

Ann Chang